

REMARKS / ARGUMENTS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments, and the following remarks. Claims 8-16 are in the application. Claims 8-11 and 15 have been amended. Claims 12-14 and 16 have been withdrawn from consideration.

The Examiner objected to claims 8 for redundant language. Claim 8 has been amended to delete "in a region". The Examiner objected to claims 10 and 11 and stated that the word "a" should be changed to "the". Claims 10 and 11 have been amended accordingly.

The Examiner rejected claims 8, 9 and 11 under 35 U.S.C. §101, stating that the claims do not distinguish over naturally occurring nucleic acids or amino acids. Applicant has amended claims 8 and 9 to recite that it is an isolated DNA sequence and an isolated protein, respectively. Claim 11 has been amended to recited that it is a "transformed microorganism."

The Examiner rejected claim 15 under 35 U.S.C. §112, stating that the term "gene" is indefinite. Applicant has amended claim 15 to substitute the term "polynucleotide" instead, as suggested by the Examiner.

The Examiner rejected claims 8-11 and 15 under 35 U.S.C. §112, stating that there is no support in the specification for polynucleotides having a sequence homology of at least 70% of the claimed sequences. Applicant has amended claims 8 and 9 to delete reference to the sequence homology.

The Examiner also rejected claim 15, stating that the claim is not enabled for all of the proteins that the host microorganism of claim 11 produces. Applicant has also amended claim 15 to recite that the polynucleotide encodes that protein under the control of an expression vector according to claim 10. Claim 10 is limited to the DNA sequences of claim 8, which now recite only SEQ ID NOS. 1 and 2. Accordingly, Applicant submits that claims 8-11 and 15 are in compliance with 35 U.S.C. §112 and §101. Early allowance of the amended claims is respectfully requested.

Respectfully submitted,
RUPERT BEALLER - 1 (PCT)

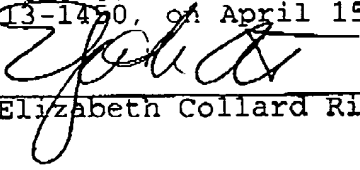
COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802
ECR:jc

Elizabeth C. Richter, Reg.No.35,103
Allison G. Collard, Reg.No.22,532
Frederick J. Dorchak, Reg.No.29,298
Attorneys for Applicant

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Fax No. 703-872-9306

I hereby certify that this correspondence is being sent by facsimile-transmission to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 15, 2005.


Elizabeth Collard Richter